



PHILIP ANGELIDES  
Treasurer  
State of California

November 7, 2001

**REQUEST FOR QUALIFICATIONS  
FOR BOND COUNSEL**

To Interested Firms:

I am requesting that law firms interested in providing bond counsel and related services to the State of California submit a Statement of Qualifications to this office by noon (Pacific Standard Time), November 21, 2001. The Statements of Qualifications should respond to the attached Request for Qualifications.

Law firms selected will be placed in a pool of firms and may be appointed to serve as lead bond counsel, co-bond counsel or disclosure counsel for bonds, commercial paper, revenue anticipation notes, certificates of participation and other debt obligations issued by various state issuers, as well as the financing authorities. Firms also may be engaged for legal and advisory services, as the need might arise. In addition, a lead General Obligation Bond Counsel will be appointed.

The State Treasurer's Office desires a diverse pool of bond counsel firms for the purpose of best assisting the office in meeting our debt financing goals. Firms of any size are encouraged to respond. Firms considering themselves a small business are urged to complete Attachment C. Active membership in the State Bar of California is required.

Questions regarding this request should be directed to Karen Walsh of my staff at (916) 653-2903.

Sincerely,

PHILIP ANGELIDES  
State Treasurer

# **REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL**

## **I. PROGRAM DESCRIPTIONS**

The State Treasurer requests Statements of Qualifications from law firms interested in providing bond counsel and related services. Firms selected will be placed in pools of firms and may be appointed to serve as lead bond counsel, co-bond counsel, or disclosure counsel for bonds, commercial paper, revenue anticipation notes (RANs), certificates of participation and other debt obligations issued by the State, the State Public Works Board (SPWB), other state agencies and the various financing authorities.

Appointments will be made on a transaction-by-transaction basis with the exception of the State's General Obligation (GO) bond program. One firm will be selected to serve as lead bond counsel for the State's GO bond program.

The pools will remain in effect at the discretion of the State Treasurer.

### **STATE GENERAL OBLIGATION BONDS AND COMMERCIAL PAPER NOTES**

The State Treasurer is responsible for the issuance of State of California General Obligation bonds. Proceeds from the sale of GO bonds fund a wide array of public projects including public school construction, correctional facilities and mass transportation.

In 1996, the State Treasurer's Office implemented the GO Commercial Paper program as a cost-effective means of meeting departments' interim financing needs between GO bond sales. Commercial paper is issued in maturities ranging from 1 to 90 days and then is retired by the issuance of GO bonds.

### **RANs**

As part of its cash management program, the State annually issues short-term notes, or RANs, to meet cash flow needs. RANs are issued after enactment of the State Budget and are retired at the end of the fiscal year.

### **THE STATE PUBLIC WORKS BOARD AND JOINT POWERS AUTHORITIES**

The State builds and acquires certain capital facilities using lease-purchase borrowings through the State Public Works Board and other joint powers authorities. These agencies issue bonds to pay for the construction of various facilities including higher education, correctional facilities and office buildings. All projects must be authorized by the State Legislature through a budget act appropriation or separate legislation. These facilities are leased to a state agency, the University of California, the California State University or a Community College District under a long-term lease that provides the source of payment of the debt service on the bonds.

### **THE CALIFORNIA EDUCATIONAL FACILITIES AUTHORITY**

The California Educational Finance Authority (CEFA) issues revenue bonds to assist accredited post-secondary private institutions in the expansion and construction of educational facilities through lower-cost financing. CEFA also administers low-interest student loan programs.

### **THE CALIFORNIA SCHOOL FINANCE AUTHORITY**

The California Schools Facilities Authority (CSFA) provides tax-exempt, low cost financing to school districts to assist in the repair and construction of school facilities. CSFA operates the “Smart Bonds” program, under which the State issues a bond pool enabling districts to borrow more efficiently and less expensively than they would otherwise be able to do on their own.

### **THE CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY**

The California Health Facilities Financing Authority (CHFFA) provides financial assistance to public and non-profit health care providers through loans funded by the issuance of tax-exempt revenue bonds. CHFFA financing may be used for the construction and renovation of new or existing health care facilities, the purchase of equipment or the refinancing or refunding of prior debt. CHFFA operates a direct loan program called HELP II, which provides low-cost loans to community-based and rural health clinics. The HealthCap Program is a joint venture between CHFFA and National Cooperative Bank Development Corporation (NCBDC), which will provide loans to eligible small health facilities at below market rates. CHFFA will be funding a loan loss reserve to provide a level of security and encourage the Bank to make loans that they might not otherwise fund. NCBDC has committed to make \$10 million in loans under the program.

### **THE CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY**

The California Pollution Control Financing Authority (CPCFA) provides financing for pollution control facilities to aid in meeting environmental standards. CPCFA also administers the CalCap program, which assists small businesses in obtaining loans. Under the CalCap program, over \$300 million in loans have been made to small businesses.

### **THE CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY**

The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) finances facilities that use alternative methods and sources of energy technology to minimize environmental pollution and conserve resources, including the development of advanced transportation technologies.

### **THE CALIFORNIA URBAN WATERFRONT AREA RESTORATION FINANCING AUTHORITY**

The California Urban Waterfront Area Restoration Financing Authority (CUWARFA) approves and issues revenue bonds to finance enhancement projects to restore urban waterfront areas.

### **THE CALIFORNIA INDUSTRIAL DEVELOPMENT FINANCING ADVISORY COMMISSION**

The California Industrial Development Financing Advisory Commission (CIDFAC) provides technical assistance to city and county authorities that issue Industrial Development Bonds (IDBs), independently reviews IDB applications for compliance with federal and state requirements and approves the sale of IDBs by local authorities. The program is intended to benefit economically distressed areas and to provide an alternative method of financing capital outlays that will increase employment or otherwise contribute to economic development.

### **CALIFORNIA CONSUMER POWER AND CONSERVATION FINANCING AUTHORITY**

Newly created in 2001 by Senate Bill 6 (Burton) of the First Extraordinary Session, the California Consumer Power and Conservation Financing Authority (the Power Authority) is charged with ensuring the reasonably priced, long-term availability of a reliable supply of electricity and natural gas, promoting environmentally friendly supply and demand solutions, and achieving adequate capacity reserves by 2006. The Power Authority has the ability to issue up to \$5 billion in revenue bonds, including up to \$1 billion for renewable energy and conservation purposes.

## **II. SCOPE OF SERVICES**

### **A. BOND/COMMERCIAL PAPER COUNSEL**

The scope of services for lead and co-bond counsel will include, but not be limited to, the following:

1. Providing an objective legal opinion with respect to the authorization and issuance of the debt obligations and whether interest paid is tax-exempt under federal and/or state laws and regulations.
2. Examining applicable law; preparing authorizing documents; consulting with parties to the transactions; reviewing proceedings; and performing additional duties as necessary to render the opinion.
3. Providing continuing advice regarding any actions necessary to ensure that interest will continue to be tax-exempt.
4. Preparing legal documents for the financing, including closing documents and transcripts.
5. Participating, when requested, in activities associated with rating agency and/or bond insurer reviews.
6. Drafting and analyzing legislation and being available to appear before legislative committees on issues related to the sale of obligations by the State or the financing authorities.
7. Offering continuing legal advice, as needed, on issues related to the sale and the trustee administration of state obligations.
8. In cases where a separate disclosure counsel is not retained by the State, providing the State Treasurer with a “10b-5 Opinion” with respect to the preliminary and final official statements.
9. Providing a legal opinion with respect to the authorization and issuance of the debt obligations and whether interest paid is tax-exempt.
10. Providing other legal opinions as required.
11. Examining applicable law; preparing authorizing documents; consulting with parties to the transactions; reviewing proceedings; and performing additional duties as necessary to render the opinion(s).

12. Assisting with the documentation and closing of any liquidity facility for the GO commercial paper program, Revenue Anticipation Notes, and the variable rate program.
13. Participating in meetings, as requested, relating to the issuance of bonds or notes.
14. The co-bond counsel is expected to work cooperatively with the lead bond counsel to ensure the success of the transaction. Typically, the lead bond counsel and co-bond counsel will confer prior to the sale and agree on a division of the duties. The proposed division of duties must be approved by the State Treasurer's Office before the financing commences.

#### **B. ADDITIONAL DUTIES OF THE LEAD GO BOND/COMMERCIAL PAPER COUNSEL**

The scope of duties will include, but not be limited to, the following:

1. Preparing disclosure on the State of California, known as Appendix A to the preliminary and final official statements, for use in all State offering documents.
2. Upon request, preparing the preliminary and final official statement.
3. Keeping the State Treasurer's Office informed of rulings issued by federal and state regulatory agencies, such as the U.S. Securities Exchange Commission and Municipal Securities Rulemaking Board, that impact the State's bond financing process.
4. Assisting in the documentation of the GO finance committees' actions.

#### **C. DISCLOSURE COUNSEL**

The scope of duties will include, but not be limited to, the following:

1. Preparing the preliminary and final official statements.
2. Providing a "10b-5 Opinion" with respect to the preliminary and final official statements.
3. Preparing, on the State Treasurer's behalf, all documents and materials necessary to comply with all applicable "continuing disclosure" requirements for the transaction.
4. Reviewing, as necessary, applicable law and pertinent documents.

5. Participating, as requested, in information meetings and discussions with parties, including investors.

### **III. STATEMENT GUIDELINES**

#### **A. MINIMUM QUALIFICATIONS**

##### **1. CALIFORNIA BAR**

All attorneys of the firm who provide legal services to the State or a financing authority must be members of the State Bar of California.

##### **2. MALPRACTICE COVERAGE**

The firm must maintain adequate malpractice insurance coverage and must provide evidence of coverage with either a securities transaction rider or coverage without an exclusion for securities transactions. The State Treasurer's Office shall have sole discretion to determine what coverage is adequate.

#### **B. CONTENT OF STATEMENT OF QUALIFICATIONS**

Responses should be limited to 12 pages (excluding attachments and appendices), using a typeface font of no less than 12 pitch. Failure to provide all requested information or deviation from the required format might result in disqualification. Address the following items in responding to this Request for Qualifications.

##### **1. PUBLIC FINANCE EXPERIENCE**

Briefly describe your firm's practice in areas of law related to public finance, and give a short history of the firm.

Describe your firm's experience serving as counsel for taxable and tax-exempt obligations issued by the State, the financing authorities, local California issuers and issuers outside of California during the last five years. List the experience during the last 12 months in the body of your response and the rest as an appendix. Include, at a minimum, the name of the issue, the name of the issuer, the sale date, the size of the issue, whether the interest rate was fixed or variable and the role of your firm (e.g., lead bond counsel, co-bond counsel, disclosure counsel, special counsel, underwriter's counsel).

Provide information on experience and qualifications that are pertinent to the activities of any of the financing authorities described above in Section I.

## 2. PERSONNEL

Please complete **Attachment A** regarding the personnel who would be available to work on financings for the State and the financing authorities. In addition, please complete **Attachment B** listing contact information for the relevant personnel.

## 3. REFERENCES

Please provide five references from municipal issuers for which you have provided legal services.

## 4. LEGAL

Please respond to the following questions regarding legal proceedings in connection with any offering of municipal securities in any California transaction:

- a) Is there now pending any legal action alleging malpractice or violations of law in connection with an offering of municipal securities in a California transaction against the firm, any partner of the firm or any attorney employed by the firm? Please describe each such pending action.
- b) Have there been any settlements or judgments involving such actions within the last five years? Please describe each such settlement or judgment, including the nature of the action and the amount of recovery.
- c) Are there pending legal or disciplinary matters involving such actions against the firm by any state or federal regulatory agency? Please describe.

Please include information about any criminal indictments or convictions against the firm or its attorneys where the charges involved an offering of municipal securities anywhere in the United States. Also include information about any material pending legal action, or settlement or judgment involving a claim of fraud, whether civil or criminal.

## 5. LEGAL UPDATE

To ensure the continued qualification of law firms, which are selected to be members of the pool, the State Treasurer's Office requires that law firms update this office quarterly (no later than 30 days after March 31, June 30, September 30, and December 31) regarding any changes to the disclosure information submitted in the application in response to Question 4 regarding legal proceedings. This includes disclosure of any new actions which have been brought against a firm subsequent to its initial disclosure at the time of applying to the pool. This also



includes any new criminal indictments or convictions and any material pending legal actions or settlements or judgments involving a claim of fraud, whether civil or criminal. If no changes or new actions have occurred, please so state in the quarterly report.

Each firm should execute and submit **Attachment C**, the *Legal Disclosure Certification*, agreeing to provide disclosure of this information to the State Treasurer's Office on a quarterly basis.

#### 6. CONTINUING DISCLOSURE

Does your firm assist issuers with preparation of the annual report and ongoing advice with respect to potential material events notification necessary to comply with applicable continuing disclosure requirements? If so, please list those issuers in an appendix to your response.

#### 7. ARBITRAGE CALCULATIONS

Does your firm have the capabilities to perform rebate calculations? If yes, please list the issuers for which you currently perform rebate calculations as an appendix to your Statement of Qualifications. Also, please indicate whether, as part of your services, you provide a legal opinion with respect to the rebate calculations.

#### 8. CONFLICT OF INTEREST

If the firm is representing a client in civil litigation in which the State is, or may become, an adverse party, please identify and describe each such action.

In addition, describe any existing or potential conflict of interest arising from your relationships with or representations of other parties that should be considered as a factor in determining your objectivity. Provide sufficient facts, legal implications, and possible effects in order for the State Treasurer's Office to appreciate the significance of each potential conflict.

#### 9. MALPRACTICE INSURANCE

Provide as an appendix (which will not count against the page limit) evidence of malpractice insurance coverage for the firm and its attorneys including coverage amounts. The evidence of coverage should indicate whether securities transactions are covered.

## 10. CALIFORNIA PRESENCE

Describe your firm's presence in California. Include answers to these questions in your response: How many California residents does your firm employ? What was the percentage of your worldwide compensation (including distributions to partners) paid to California residents in 2001? Does your firm have a California office? Has your firm opened or closed offices in California or otherwise changed its commitment to California within the last two years? What are your firm's plans for its California municipal finance practice during the next two years?

## 11. INNOVATIVE IDEAS

Would you recommend any changes in the way the State or financing authorities approach their financing programs or legal documentation? If so, please elaborate.

Provide any recommendation or suggestion you may have regarding the manner in which lead, co-bond and disclosure counsel divide duties and responsibilities.

## 12. DISABLED VETERAN BUSINESS ENTERPRISES

State law establishes participation goals of three percent for Disabled Veteran Business Enterprises (DVBEs) in contracts for professional bond services awarded by state agencies. These goals apply to the annual dollar amount expended on professional bond services. In the case of law firms serving as bond counsel, co-bond counsel, or disclosure counsel, this applies to all professional fees related to the issuance of bonds or other debt obligations. If you feel your firm meets the DVBE qualification standards and is not currently certified by the State Treasurer's Office please complete **Attachment D DVBE Application**.

## 13. SMALL BUSINESS

The State Treasurer's Office is developing a small business outreach plan. To assist us in these efforts, firms considering themselves a small business are requested to complete **Attachment E** and submit it along with their response to this Request for Qualifications.

## 14. FIRM'S INTEREST IN POOLS

Complete **Attachment F**.

## 15. FEES

The State Treasurer's Office and financing authorities staff will establish fees on a transaction-by-transaction basis, based on the input of the issuer and borrower where applicable. The exception to this general policy is the State's GO bonds. In the case of this program, firms interested in serving as lead bond counsel must propose a flat fee quote, per \$1,000 of bonds sold, for the firm's fee for services and all expenses in providing bond counsel services. The fee proposal should assume that a portion of such proposed fee may be allocated by the State for co-bond counsel services.

## **C. DELIVERY**

The State Treasurer's Office will accept Statements of Qualifications until noon (Pacific Standard Time) on November 21, 2001 by the following methods (please contact Janis Williams at (916) 653-2903 to arrange for deliveries using any other method):

**By E-mail:**

**To:** kwalsh@treasurer.ca.gov

**Cc:** kmccorstin@treasurer.ca.gov

**Subject:** 2002-04 Bond Counsel RFQ

(Please send pages requiring signatures by e-mail in PDF format or by fax at (916) 657-4827.)

**For Deliveries by FedEx or UPS Only:**

**The Honorable Philip Angelides**

State Treasurer

915 Capitol Mall, Room 261

Sacramento, California 95814

Subject: 2002-04 Bond Counsel Request for Qualifications

Attention: Karen Walsh

(916) 653-2903

For physical deliveries other than FedEx or UPS, please contact Karen Walsh at (916) 653-2903 to make arrangements prior to delivery.

No fax transmittals will be accepted (with the exception of signature pages).

No late proposals will be accepted. Proposals arriving at the Treasurer's Office after the deadline are, at the sole discretion of the Treasurer's Office, subject to review and consideration for placement in the pool at a future date.

Please provide six copies of your Statement of Qualifications (Physical Deliveries Only).

All materials submitted in response to this solicitation become the property of the State of California and will not be returned. The materials will be a public record subject to the disclosure provisions of the California Public Records Act (Government Code Section 6250, et seq.).

#### **IV. STATEMENT EVALUATION**

Statements of Qualifications will be evaluated based on the following criteria (not listed in order of importance):

- A. Qualifications and experience of firm and attorneys named in the statement;
- B. Capability to provide required services; and
- C. Past experience on State and financing authority debt financings, as well as other public debt financings.

The State Treasurer's Office reserves the right to:

- A. Request an interview with, and additional information from, any firm prior to its selection;
- B. Select firms that, in the State Treasurer's judgment, will best meet the State Treasurer's Office's needs. The fee proposals will be considered but not be the sole factor in making the appointment; and
- C. Consider information about any firm from other sources in addition to the information submitted by the firm.

The State Treasurer may from time to time seek ideas, advice and proposals from pool members. Neither inclusion in a pool nor providing ideas, advice and proposals offers any assurance that any firm will be selected to provide bond counsel services.

#### **V. EVALUATION OF PERFORMANCE**

To acknowledge good performance and build accountability into the selection process, the State Treasurer's Office will conduct a post-financing evaluation of the performance of counsel. Evaluations will be used in selecting counsel for subsequent transactions and for forming subsequent pools.

Pursuant to Government Code Section 6255, the post-financing evaluation and all information received in connection with the evaluation will be confidential. The State Treasurer's Office is not required to disclose this information under the Public Records Act.

## **VI. REMOVAL FROM POOL; ADDITIONS TO POOL**

Any firm may be removed or suspended from the bond counsel pool for reasons that include, but are not limited to, the following:

- A. Disqualification because of legal proceedings outlined in Questions 4 and 5 of Section III A, including actions, settlements or judgements, disciplinary actions by state or federal regulatory agencies, criminal indictments or convictions and claims of fraud whether criminal or civil;
- B. Unacceptable performance in any bond sale as determined by an evaluation completed by the Public Finance Division or a financing authority;
- C. Being the subject of disciplinary action by State or federal regulatory agencies;
- D. Filing for protection under federal or State bankruptcy laws; and
- E. Failure to continue to meet the minimum qualifications listed under Section III.

From time to time, the State Treasurer may make additions to the bond counsel pool. Pool applicants will be required to submit a response to the Request for Qualifications and will be evaluated based on the same criteria used to establish the pool.

## **VII. ONGOING COMPLIANCE WITH MINIMUM QUALIFICATIONS**

To remain in the bond counsel pool, a firm must meet Section III, Minimum Qualifications, at all times. Pool members are responsible for notifying the State Treasurer's Office in writing if they no longer meet the minimum qualifications. Firms should promptly contact the Director of the financing authority administering the pool(s) or Director of the Public Finance Division in the case of the State pool.

**STATE OF CALIFORNIA  
REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL  
Personnel Experience**

**Firm:** \_\_\_\_\_

Identify key personnel (include partners, associates, and tax attorneys) who will be directly involved in the financings.

Name	Title	Office Location	Role	How Long In Current Position?	How Long Employed at Current Firm?	How Long in Municipal Finance Practice?
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**STATE OF CALIFORNIA  
REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL  
Firm Contacts**

Primary Contact with State Treasurer's Office

Name:

Title:

Address:

City/State/Zip:

Phone:

Fax:

Internet or E-mail Address:

Contact to receive all RFQs and other Notices

Name:

Title:

Address:

City/State/Zip:

Phone:

Fax:

Internet or E-mail Address:

Managing Partner (or comparable position)

Name:

Title:

Address:

City/State/Zip:

Phone:

Fax:

Internet or E-mail Address:

Head of Public Finance Unit (or comparable position)

Name:

Title:

Address:

City/State/Zip:

Phone:

Fax:

Internet or E-mail Address:



**STATE OF CALIFORNIA  
REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL  
Legal Disclosure Certification**

\_\_\_\_\_  
(Firm Name)

I, \_\_\_\_\_, Managing Partner, certify as follows:  
(Certifier's Name)

I am the Managing Partner of \_\_\_\_\_ (the "firm") and am authorized to execute this Certification on its behalf.  
(Firm Name)

The firm is interested in providing bond counsel services to the State of California and has submitted a response to the Request for Qualifications to the State Treasurer's Office in order to be considered for placement in a pool of firms, which may provide such services.

In the response to the Request for Qualifications, the firm has responded to questions regarding legal proceedings against the firm, as specified, in connection with offerings of municipal securities in California transactions and nationwide.

The Request for Qualifications requires that the firm provide a quarterly update to the State Treasurer's Office regarding changes to the legal information submitted with the response to the Request for Qualifications, as well as information about legal proceedings originating after submission of the response to the Request for Qualifications.

I certify that I have reviewed the requirements for updating the State Treasurer's Office regarding legal proceedings as outlined in the Request for Qualifications, and I agree, on behalf of the firm, to fulfill the requirements outlined therein.

\_\_\_\_\_  
(Firm Name)

\_\_\_\_\_  
(Certifier's Name)

DATE: \_\_\_\_\_

Managing Partner

# **DISABLED VETERANS BUSINESS ENTERPRISE PROGRAM**

## **APPLICATION**



**State of California  
Office of the State Treasurer**

**APPLICATION FOR PARTICIPATION IN THE STATE TREASURER'S  
DISABLED VETERANS BUSINESS ENTERPRISE PROGRAM**

This is the official application form for qualification as a Disabled Veterans Business Enterprise (DVBE) with the Office of the State Treasurer of the State of California, under the regulations adopted by the State Treasurer.

**Instructions: Please answer all questions carefully. If a question does not apply to your firm or circumstances, please enter "N/A."**

**1. Name of Firm** \_\_\_\_\_

Home Office Address \_\_\_\_\_  
*No. Street City / State Zip Code*

Telephone Number (s) \_\_\_\_\_  
*(Area Code) Number FAX (Area Code) Number*

California Address \_\_\_\_\_  
(If Different) *No. Street City / State Zip Code*

California Telephone \_\_\_\_\_  
*(Area Code) Number FAX (Area Code) Number*

**2. Name of Firm President / Chief Executive Officer / Managing Partner**

\_\_\_\_\_  
*First Name M. I. Last Name Title*

**3. Name and Title of Person Completing This Application**

\_\_\_\_\_  
*First Name M. I. Last Name Title*

**4. Disabled Veteran Business Enterprise (DVBE)**

(a) Are the owner(s) of the firm resident(s) of California?

\_\_\_\_\_ Yes \_\_\_\_\_ No

(b) Do the owner(s) of this firm have a disability rating as issued by either the U.S. Department of Veterans Affairs or the Department of Defense?

\_\_\_\_\_ Yes\* \_\_\_\_\_ No

(c) Please indicate the percentage of the firm's stock or partnership interest owned by the disabled veteran owner(s).

\_\_\_\_\_ % Ownership / Partnership

(d) Does the management and control of the daily operations of the firm correspond with the division of ownership/partnership interests as indicated in Question 7 (c)?

\_\_\_\_\_ Yes

\_\_\_\_\_ No (Please Explain)

## 5. Types of Services

Identify the specific type(s) of professional bond services your firm provides. (Check all that apply.)

\_\_\_\_\_ Underwriting

\_\_\_\_\_ Bond Counsel

\_\_\_\_\_ Financial Advisor

\_\_\_\_\_ Underwriter's Counsel

\_\_\_\_\_ Investment Advisor

\_\_\_\_\_ Other (Please Specify Below)

**\* If yes, please attach award letter (or comparable official statement) from the federal agency indicating the existence of a service-connected disability at the time this application is submitted to the State Treasurer's DVBE Program.**

## 6. SEC Status (Underwriting Firms Only)

Does your firm have an active Broker/Dealer license issued by the U.S. Securities and Exchange Commission and held in the name of the firm?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

If not, please explain

\_\_\_\_\_  
\_\_\_\_\_

If your firm does have an active Broker/Dealer status with SEC, please provide the following information:

Your firm's SEC File No. \_\_\_\_\_

Effective date: \_\_\_\_\_

**7. NASD Status (Underwriting Firms Only)**

Is your firm a current member of the National Association of Securities Dealers (NASD)?

\_\_\_\_\_ Yes<sup>1</sup> \_\_\_\_\_ No

If your firm is a NASD member, please provide the following:

Your firm's C.R.D. No. \_\_\_\_\_

Effective date: \_\_\_\_\_

**8. California Department of Corporations Status (underwriting firms only)**

Does your firm have an active registration as a Broker/Dealer with the State of California Department of Corporations?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please provide the following:

Department of Corporations  
Broker/Dealer Certificate No.: \_\_\_\_\_

Effective date: \_\_\_\_\_

If not, please explain

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9. Eligibility**

If your firm seeks certification as a "Disabled Veteran Business Enterprise," by submitting this application you certify that your firm qualifies under the following statutory definitions:

**"Disabled Veterans Business Enterprise"** means a business concern that meets **all** of the following requirements:

- (1) A sole proprietorship which is at least 51 percent owned by one or more disabled veterans who are residents of the State of California, or a firm or partnership, with 51 percent of the stock or

<sup>1</sup> If your response to this item is "Yes", please submit a copy of your NASD Certificate with your completed questionnaire.

partnership interests of which are owned by one or more disabled veterans who are residents of the State of California.

- (2) Managed by, and the daily business operations are controlled by, one or more disabled veterans who are residents of the State of California.
- (3) A sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm or other foreign-based business, with 51 percent of the stock or partnership interests of which are owned by one or more disabled veterans who are residents of the State of California.

## **10. Fraudulent Representations, Acknowledgments and Verification**

In accordance with existing law, a person or firm that willfully and knowingly makes any false statements or misrepresentations in an application for certification as a Disabled Veteran Business Enterprise shall be liable for:

- (1) Civil penalty not to exceed \$5,000 (for the first violation) and up to \$20,000 for each additional or subsequent violation; and
- (2) Suspension from bidding on, or participating as either a contractor or subcontractor in, any professional bond services contract awarded by the state for a period of not less than 30 days nor more than one year. For an additional or subsequent violation of this section, the period of suspension shall be extended for a period of up to three years. A person or firm that fails to satisfy any of the penalties imposed for violations of this section shall be prohibited from further contracting with the state until all penalties are satisfied.

The applicant agrees to submit additional information upon request of the Treasurer and acknowledges that the Treasurer may deny the application for certification from an applicant as a Disabled Veterans Business Enterprise (DVBE) if the additional information is not submitted in writing within 30 days after it is requested by the Treasurer.

The applicant consents to inspection of its books, records and other relevant business documents and to interviews of its principals and employees by the Treasurer or the Treasurer's representatives for the purpose of determining whether the applicant is, or continues to be, an eligible DVBE. The applicant acknowledges that its application may be immediately denied or certification revoked if such inspection or interviews are refused or if the Treasurer determines, as a result of the inspection or interviews, that the applicant does not qualify as a DVBE.

**The applicant agrees to provide the Treasurer (with or without prior request of the Treasurer) information regarding any change in ownership or management and control of the applicant's business within 30 days of the effective date of such change.**

## ***AFFIDAVIT***

The applicant has caused this application to be signed on its behalf by the undersigned, thereunto duly authorized.

\_\_\_\_\_  
*Applicant Firm*

By \_\_\_\_\_  
*Name of Firm's Representative*

\_\_\_\_\_  
*Title of Firm's Representative*

I certify (or declare) under penalty of perjury under the laws of the State of California that I have read this application and know the contents thereof, and that the statements therein are true and correct.

Executed at \_\_\_\_\_ on \_\_\_\_\_  
*Place Date*  
\_\_\_\_\_  
*Signature*

### **NOTARY**

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, before me appeared \_\_\_\_\_  
to me personally known, who being sworn, did execute the foregoing affidavit, and did state that he/she  
was properly authorized by \_\_\_\_\_.

*Name of Firm*

to execute the affidavit and did so as his/her free act and deed.

**SEAL**

NOTARY PUBLIC \_\_\_\_\_

COMMISSION EXPIRES \_\_\_\_\_

Mail completed application to: **State Treasurer's Office**  
**Public Finance Division**  
**Attn: Karen Walsh**  
**915 Capitol Mall, Room 261**  
**P.O. Box 942809**  
**Sacramento, CA 94209-001**  
**(916) 653-3098**

**STATE OF CALIFORNIA**  
**REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL**  
**Small Business Outreach**

(Firm Name)\_\_\_\_\_ is interested in participating in the State Treasurer's Office outreach efforts for small business firms. The firm considers itself a small business based on *(mark all that apply and attach any substantiating documentation)*:

\_\_\_\_\_ Registration as a "Disabled Veteran Business Enterprise" (DVBE) with the State Treasurer's Office.

\_\_\_\_\_ Meeting the definition of a "small business" as set forth in Section 14837 of the California Government Code (<http://www.leginfo.ca.gov/calaw.html>).

\_\_\_\_\_ Meeting the definition of a "small business" as set forth in 13 CFR 121 (<http://www.sba.gov/library/cfrs/13cfr121.html>).

\_\_\_\_\_ Registration as a "small business" with another federal, state, or local government agency (please attach documentation).

\_\_\_\_\_ Other (please explain).

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 (Firm Name)

Date \_\_\_\_\_

\_\_\_\_\_  
 (Person's Name)

Managing Partner



**STATE OF CALIFORNIA**  
**REQUEST FOR QUALIFICATIONS FOR BOND COUNSEL**  
**List of Pool(s) for Application Purposes**

Bonds issued by the following agencies are described in Section I. Please indicate below each of those bond-issuing agency(ies) for which your firm wishes to provide bond counsel, co-bond counsel, or disclosure counsel services (you may mark more than one for each pool):

☐ **State General Obligation bonds / Commercial Paper Program**

☐ Lead Bond Counsel  
☐ Co-bond Counsel  
☐ Disclosure Counsel

☐ **Revenue Anticipation Notes (commencing with Fiscal Year 2002 – 03)**

☐ Lead Note Counsel  
☐ Co-note Counsel  
☐ Disclosure Counsel

☐ **State Public Works Board, joint powers authorities and various State agencies**

☐ Lead Bond Counsel  
☐ Co-bond Counsel  
☐ Disclosure Counsel

☐ **California Educational Facilities Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California School Finance Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Health Facilities Financing Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Pollution Control Financing Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Alternative Energy and Advanced Transportation Financing Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Urban Waterfront Area Restoration Financing Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Industrial Development Financing Advisory Commission**

☐ Lead Bond Counsel  
☐ Co-bond Counsel

☐ **California Consumer Power and Conservation Financing Authority**

☐ Lead Bond Counsel  
☐ Co-bond Counsel  
☐ Disclosure Counsel